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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,442	11/19/2003	Hideo Kitami	01460044AA	3941
30743 7590 02/08/2007 WHITHAM, CURTIS & CHRISTOFFERSON & COOK, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			EXAMINER PHUONG, DAI	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/715,442

Applicant(s)

KITAMI ET AL.

Examiner

Dai A. Phuong

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 7-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura et al. (Pub. No: 20030048768).

Regarding claim 1, Kitami et al. disclose wireless LAN base station which holds wireless communication with at least one client terminal station, the wireless LAN base station comprising: at least two wireless LAN modules, each of which is capable of holding the wireless communication with at least one client terminal station (fig. [0012]); means for detecting the number of client terminal stations which are being holding the wireless communication with the wireless LAN base station (fig. [0012]); and means for changing the number of active wireless LAN modules according to the detected number of the client terminal stations (fig. [0012]).

Regarding claim 6, this claim is rejected for the same reason as set forth in claim 1.

### *Reasons Subject Matter*

3. Claims 2 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3-5 are dependent on claim 2.

Claims 8-10 are dependent on claim 7.

Regarding claim 2, the prior art record does not disclose nor fairly suggest the wireless LAN base station comprising: *a first wireless LAN module capable of holding the wireless communication with at least one client terminal station; a second wireless LAN module capable of holding the wireless communication with at least one client terminal station; determination means for determining whether the number of the client terminal stations which are holding the wireless communication with the wireless LAN base station is equal to or smaller than a predetermined number; first control means for controlling all of the client terminal stations which are holding the wireless communication with the wireless LAN base station to hold the wireless communication with said first wireless LAN module, controls said first wireless LAN module to be activated and controls said second wireless LAN module to be deactivated, if a determination result of the determination means is YES; and second control means for controlling a part of the client terminal stations which are holding the wireless communication with the wireless LAN base station to hold the wireless communication with said first wireless LAN module, controls the rest of the client terminal stations which are holding the wireless communication with the wireless LAN base station to hold the wireless communication with said second wireless LAN module and controls said first wireless LAN module and said second wireless LAN module to be activated, if said determination result is NO.*

Regarding claim 7, the prior art record does not disclose nor fairly suggest the communication control method wherein the wireless LAN base station comprises: *a first*

*wireless LAN module capable of holding the wireless communication with at least one client terminal station; and a second wireless LAN module capable of holding the wireless communication with at least one client terminal station, and wherein the communication control method comprises: a determination step of determining whether the number of the client terminal stations which are holding the wireless communication with the wireless LAN base station is equal to or smaller than a predetermined number; a first control step of controlling all of the client terminal stations which are holding the wireless communication with the wireless LAN base station to hold the wireless communication with said first wireless LAN module, controlling said first wireless LAN module to be activated and controlling said second wireless LAN module to be deactivated, if a determination result of said determination step is YES; and a second control step of controlling a part of the client terminal stations which are holding the wireless communication with the wireless LAN base station to hold the wireless communication with said first wireless LAN module, controlling the rest of the client terminal stations which are holding the wireless communication with the wireless LAN base station to hold the wireless communication with said second wireless LAN module and controlling said first wireless LAN module and said second wireless LAN module to be activated, if said determination result of said determination step is NO.*

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2617

Date: 02-01-2007



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